

ARTICLE III.

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Mechanical and Fuel Gas Code

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Section 11-31. Adopted.

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The International Mechanical Code [2006](#) edition including Appendix A, and the International Fuel Gas Code including Appendix B and C, [2006](#) edition, as amended, are hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of heating, ventilation, cooling, refrigeration, incinerators, or other miscellaneous heat producing appliances in the city, and for providing for performance of inspections and collection of fees therefor. The minimum mechanical standards referenced in the International Mechanical Code and the International Fuel Gas Code shall be applied to any permit issued after [May 31, 2007](#).

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Section 11-32. Amendments, additions and deletions to the 2006 International Mechanical Code.

The following sections and subsections of the 2006 International Mechanical Code adopted in this article shall be amended, added or deleted as follows. All other sections or subsections of the 2006 International Mechanical Code shall remain the same.

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101.1 Title. These regulations shall be known as the *Mechanical Code* of [Sioux Falls, South Dakota](#), hereinafter referred to as “this code.”

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances, and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change in occupancy shall be permitted to comply with the *International Existing Building Code*.

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103.2 Appointment. Deleted.

103.4 Liability. The code official, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

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Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool, and immunities and defenses provided by other applicable state and federal laws. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of mechanical inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

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106.1 When required. An owner, authorized agent, or contractor who desires to erect, install, enlarge, alter, repair, remove, convert, or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work. A permit is not required by a licensed mechanical contractor if an inspection as specified in Section 107 is requested and obtained for any mechanical work.

Exception: Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of mechanical inspection.

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106.4.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year.

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All homeowner mechanical permits shall expire in accordance with Section 11-45.

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106.5.1 Work commencing before permit issuance. Any person who commences work on a mechanical system before obtaining the necessary permits may be subject to a \$250 administrative fee, in addition to the required permit fees. Legal and/or civil action may also be commenced.

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106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the following schedule.

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Table No. 1-A. Mechanical Permit Fees

Permit Issuance

Homeowner's permit (plus the unit fee costs for the work to be inspected)\$20.00

Unit Fee Schedule (Inspections)

1. Minimum inspection fee\$19.00
2. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance\$12.00
3. For the installation or relocation of each floor furnace, including vent.....\$12.00
4. For the installation or relocation of each suspended heater, recessed wall heater, or floor-mounted unit heater\$12.00
5. For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit.....\$6.00
6. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code\$12.00
7. For the installation or relocation of each boiler or compressor or each absorption system.....\$12.00
8. For each air-handling unit to and including 10,000 cubic feet per minute (4,720 L/S), including ducts attached thereto\$12.00
9. For each air-handling unit over 10,000 cfm (4,720 L/S)\$15.00
10. For each evaporative cooler other than portable type.....\$10.00
11. For each ventilating fan connected to a single duct.....\$6.00
12. For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit\$10.00
13. For the installation of each commercial hood which is served by mechanical exhaust, including the ducts for such hood\$15.00
14. For the installation or relocation of each commercial, industrial, or domestic-type incinerator.....\$20.00

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15. For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code\$12.00

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16. For each fire damper, smoke damper or combination fire/smoke damper\$1.00

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17. Variable air volume (VAV) terminals\$1.00

Other Inspections and Fees

1. Inspections outside of normal business hours (minimum charge—one hour), per hour*\$70.00

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2. Reinspection fees assessed under provisions of Section 107 (minimum charge—one hour), per hour*\$70.00

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3. Inspections for which no fee is specifically indicated (minimum charge—one hour), per hour*\$70.00

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4. Additional plan review required by changes, additions, or revisions to approved plans (minimum charge—one hour), per hour*\$70.00

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5. Appeals. Before the board takes any action, the party or parties requesting such hearing shall deposit with the secretary of the board or his authorized agent, the sum of \$65.00 to cover the approximate cost of the procedure. Under no condition shall said sum or any portion thereof be refunded for failure of said request to be approved.

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6. Examination Fee. All classes—per examination\$75.00

7. A mileage fee based on the current rate per mile authorized by the Internal Revenue Service shall be charged for any inspection occurring outside the city limits.

8. When a plan or other data is required to be submitted by SDCL 36-18 or when the building official requires submittal of plans, computations, or specifications in accordance with Section 106.3, a plan review fee shall be charged. Said plan review fee shall be 25 percent of the mechanical portion of the building permit fee as shown on Table 1-B, Commercial Building Permit Fees, of Section 11-20 of the Revised Ordinances of the City of Sioux Falls.

9. Bond Claims. An administrative fee shall be charged to cover the administrative cost of filing a claim\$150.00

10. Delinquent Accounts. The administrative authority may refuse inspections or may deny credit on accounts receivables that are delinquent.

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11. Fee for late corrections. A \$100 administrative fee may be charged for failure to correct violations within the time specified on a contractor's correction report.

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12. Fee for failure to request a required inspection. Where mechanical work is completed without a request for an inspection, an administrative of fee of \$250.00 may be charged.

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*Or the total hourly cost to the city, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

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1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

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The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

107.1 Required inspections and testing. It shall be the duty of the licensed mechanical contractor or his designated mechanic doing the work authorized by a permit to notify the mechanical inspector that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired.

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The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

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2. ~~Rough-in inspection shall be made after the roof, framing, fireblocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.~~
3. ~~Final inspection shall be made upon completion of the mechanical system.~~

Exception: Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

108.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction ~~to deem the violation as a strict liability offense and~~ institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an ordinance violation ~~punishable under Chapter 1 and/or 2 of the Revised Ordinances of Sioux Falls, SD.~~

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~guilty of an ordinance violation and punishable by the general provisions of this code.~~

109.1 Mechanical board of appeals and examiners. ~~There is hereby created a mechanical board of appeals and examiners to hear and decide appeals of orders, decisions, or determinations made by the building official and assistant director of building services relative to the application and interpretation of the International Mechanical Code, International Fuel Gas Code, including Part V-Mechanical and Part VI-Fuel Gas of the International Residential Code,~~

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- Deleted: a , punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served
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to determine that the provisions of these codes do not fully apply, to determine if an equally or better construction is proposed as an alternative, to review all prospective changes to the mechanical and fuel gas codes and to submit recommendations to the responsible official and the city council, to review licensing and test application determinations and to examine applicants for licensing, and to investigate matters brought to the board. It shall consist of five members qualified by experience and training to pass upon matters pertaining to mechanical design, construction, and maintenance and the public health aspects of mechanical systems referenced in the International Mechanical Code and the International Fuel Gas Code. Members shall be appointed by the mayor with the advice and consent of the council and shall hold office for a term of three years. The board shall adopt rules and procedures for conducting its business. All decisions and findings shall be provided in writing to the appellant with a duplicate copy provided to the building services department.

109.1.1 Limitation of authority. The mechanical board of appeals and examiners shall have no authority relative to interpretation of the administration of this code nor shall such board be empowered to waive requirements of this code.

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A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a (... [1])

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201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Residential Code*, *International Existing Building Code*, *National Electrical Code*, *International Fire Code*, *International Fuel Gas Code* or the *Uniform Plumbing Code*, such terms shall have meanings ascribed to them as in those codes.

Section 202—General Definitions. Add the following definition:

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

301.7 Electrical. Electrical wiring, controls, and connections to equipment and appliances regulated by this code shall be in accordance with the *Electrical Code*.

301.8 Plumbing connections. Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with the *Plumbing Code*.

301.10 Vibration isolation. Where vibration isolation of equipment and appliances is employed, an approved means of supplemental restraint shall be used to accomplish the support and restraint.

Piping, electrical conduit, ductwork, vents, and the like shall not be used to provide support or restraint of equipment.

Where other portions of this code or provisions of the building code require noncombustible construction or supports, noncombustible materials shall also be used to meet the requirements of this section.

304.9 Clearances from grade. Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade.

Equipment and appliances including the service areas shall be provided with a minimum 80-inch (2,032 mm) headroom clearance.

306.3.1 Electrical requirements. A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with the *Electrical Code*.

306.4.1 Electrical requirements. A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the appliance location in accordance with the *Electrical Code*.

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Deleted: 303.3 Prohibited locations. Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:¶

¶ 1. Sleeping rooms.¶

¶ 2. Bathrooms.¶

¶ 3. Toilet rooms.¶

¶ 4. Storage closets.¶

¶ 5. Surgical rooms.¶

Exception: This section shall not apply to the following appliances:¶

¶ 1. Direct-vent appliances that obtain all combustion air directly from the outdoors.¶

¶ 2. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with Section 703. Access to such enclosure shall be through a solid door, weather-stripped in accordance with the exterior door air leakage req[ui]rements [18]

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306.5 Equipment and appliances on roofs or elevated structures. Where equipment and appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be from floor level to the equipment and appliances' level service space. Exterior access may be by means of a ladder which need not extend closer than 8 feet (2438 mm) to finished grade. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33 percent slope).

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Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m²) per square foot.
7. Ladders shall be protected against corrosion by approved means.

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Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

Exception: This section shall not apply to Group R-3 occupancies.

306.5.1 Sloped roofs. Where appliances, equipment, fans, or other components that require service are installed on a roof having a slope of greater than 3 units vertical in 12 units horizontal (25 percent slope) and having an edge more than 30 inches (762 mm) above grade at such edge, a level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the *International Building Code*.

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306.5.2 Electrical requirements. A receptacle outlet shall be provided at or near the equipment location in accordance with the *Electrical Code*.

312.1 Load calculations. Heating and cooling system design loads for the purpose of sizing systems, appliances, and equipment may be required to be determined in accordance with the procedures described in the ASHRAE *Handbook of Fundamentals*. Heating and cooling loads shall be adjusted to account for load reductions that are achieved when energy recovery systems are utilized in the HVAC system in accordance with the ASHRAE *Handbook - HVAC Systems and Equipment*. Alternatively, design loads may be determined by an approved equivalent computation procedure, using the design parameters specified in Chapter 3 of the *International Energy Conservation Code*.

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401.4.1 Intake openings. Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant source, such as vents, chimneys, plumbing vents, streets, alleys, parking lots, and loading docks, except as otherwise specified in this code. Where a source of contaminant is located within 10 feet (3048 mm) of an intake opening, such opening shall be located a minimum of 2 feet (610 mm) below the contaminant source. The exhaust from a bathroom or kitchen in a residential dwelling shall not be considered to be a hazardous or noxious contaminant.

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403.3 Ventilation rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 403.3 based on the occupancy of the space and the occupant load or other parameter as stated therein, or shall be designed in accordance with ASHRAE Standard 62-2004. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

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Exception: The occupant load is not required to be determined, based on the estimated maximum occupant load rate indicated in Table 403.3 where approved statistical data document the accuracy of an alternate anticipated occupant density.

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**TABLE 403.3
REQUIRED OUTDOOR VENTILATION AIR**

Footnote i. The required exhaust system shall capture the contaminants and odors at their source or within 10 feet of the finished floor.

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506.3.6 Grease duct clearances. Grease duct systems and exhaust equipment serving a Type I hood shall have a clearance to combustible construction of not less than 18 inches (457 mm), and shall have a clearance to noncombustible construction and gypsum wallboard attached to noncombustible structures of not less than 3 inches (76 mm).

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Exceptions:

1. Listed and labeled factory-built commercial kitchen grease ducts and exhaust equipment installed in accordance with Section 304.1.
2. The 18-inch (457 mm) clearance to combustible construction is allowed to be reduced to 3 inches (76 mm) where the combustible construction is protected with materials as required for a one-hour fire-resistive construction for hood replacements only where the existing adjacent construction is combustible.

506.3.10 Grease duct enclosure. A grease duct serving a Type I hood that penetrates a ceiling, wall, or floor shall be enclosed from the point of penetration to the outlet terminal. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the *International Building Code*. Ducts shall be enclosed in accordance with the *International Building Code* requirements for shaft construction. The duct enclosure shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings. Clearance from the duct to the interior surface of enclosures of combustibles construction shall be not less than 18 inches (457 mm). Clearance from the duct to the interior surface of enclosures of noncombustible construction or gypsum wallboard attached to noncombustible structures shall be not less than 6 inches (152 mm). The duct enclosure shall serve a single grease exhaust duct system and shall not contain any other ducts, piping, wiring, or systems.

Exceptions:

1. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration fire-stop system classified in accordance with ASTM E 814 and having an “F” and “T” rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall, or floor to the outlet terminal with a classified and labeled material, system, method of construction, or product specifically evaluated for such purpose, in accordance with ASTM E 2336. Exposed ductwrap systems shall be protected where subject to physical damage.
2. The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration fire-stop system classified in accordance with ASTM E 814 and having an “F” and “T” rating equal to the fire resistance rating of the assembly being penetrated and where a prefabricated grease duct enclosure assembly is protected on all sides from the point at which the duct penetrates a ceiling, wall, or floor to the outlet terminal with a classified and labeled prefabricated system specifically evaluated for such purposes in accordance with UL 2221.
3. The 18-inch (457 mm) clearance to combustibles construction is allowed to be reduced to 3 inches (76 mm) where the combustibles construction is protected with materials as

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required for a one-hour fire-resistive construction for hood replacements only where the existing adjacent construction is combustible.

507.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or Type II and shall be designed to capture and confine cooking vapors and residues.

Exceptions:

1. Factory-built commercial exhaust hoods which are tested in accordance with UL 710, listed, labeled, and installed in accordance with Section 304.1 shall not be required to comply with Sections 507.4, 507.7, 507.11, 507.12, 507.13, 507.14, and 507.15.
2. Factory-built commercial cooking recirculating systems which are tested in accordance with UL 710B, listed, labeled, and installed in accordance with Section 304.1 shall not be required to comply with Sections 507.4, 507.5, 507.7, 507.12, 507.13, 507.14, and 507.15.
3. Net exhaust volumes for hoods shall be permitted to be reduced during no-load cooking conditions, where engineered or listed multispeed or variable-speed controls automatically operate the exhaust system to maintain capture and removal of cooking effluents as required by this section.

507.2.1.1 Operation. Delete.

507.9 Clearances for Type I hood. A Type I hood shall be installed with a clearance to combustibles of not less than 18 inches (457 mm).

Exceptions:

1. Clearance shall not be required from gypsum wallboard attached to noncombustible structures provided that a smooth, cleanable, nonabsorbent, and noncombustible material is installed between the hood and the gypsum wallboard over an area extending not less than 18 inches (457 mm) in all directions from the hood.
2. The 18-inch (457 mm) clearance to combustible construction is allowed to be reduced to 3 inches (76 mm) where the combustible construction is protected with materials as required for a one-hour fire-resistive construction for hood replacements only where the existing adjacent construction is combustible.

508.1.1 Makeup air temperature. The temperature of makeup air shall not be more than 10°F (6°C) below the temperature of the air in the conditioned space.

Exceptions:

1. Makeup air that is part of the air-conditioning system.

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2. Makeup air that does not decrease the comfort conditions of the occupied space.

SECTION 512 SUBSLAB SOIL EXHAUST SYSTEMS Eliminate deletion

512.2 Materials. Subslab soil exhaust system duct material shall be air duct material listed and labeled to the requirements of UL 181 for Class 0 air ducts, or any of the following piping materials that comply with the *Plumbing Code* as building sanitary drainage and vent pipe: cast iron; galvanized steel; brass or copper pipe; copper tube of a weight not less than that of copper drainage tube, Type DWV; and plastic piping.

602.2.1 Materials Exposed Within Plenums-Eliminate local change

602.2.1.1 Wiring. Combustible electrical or electronic wiring methods and materials, optical fiber cable, and optical fiber raceway exposed within a plenum shall have a peak optical density not greater than 0.50, an average optical density not greater than 0.15, and a flame spread not greater than 5 feet (1524 mm) when tested in accordance with NFPA 262. Only type OFNP (plenum-rated nonconductive optical fiber cable) shall be installed in plenum-rated optical fiber raceways. Wiring, cable, and raceways addressed in this section shall be listed and labeled as plenum rated and shall be installed in accordance with *Electrical Code*.

603.2 Duct sizing. Ducts installed within a single dwelling unit may be sized in accordance with ACCA Manual D or other approved methods. Ducts installed within all other buildings shall be sized in accordance with the *ASHRAE Handbook of Fundamentals* or other equivalent computation procedure.

603.4 Metallic ducts. All metallic ducts shall be constructed as specified in the *SMACNA HVAC Duct Construction Standards—Metal and Flexible*.

Exception:

1. Ducts installed within single dwelling units shall have a minimum thickness as specified in Table 603.4.
2. "Ductmate Standards" shall be allowed when using "Ductmate" connections.

603.6.1.1 Duct length. Flexible air ducts shall be limited in length to 14 feet.

603.6.2 Flexible air connectors. Deleted.

603.6.2.1 Connector length. Deleted.

603.6.2.2 Connector penetration limitations. Deleted.

603.6.3 Air temperature. The design temperature of air to be conveyed in flexible air ducts shall be less than 250°F (121°C).

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Deleted: 512.5 Identification. Subslab soil exhaust ducts shall be permanently identified within each floor level by means of a tag, stencil or other approved marking.

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603.6.4 Flexible air duct clearance. Flexible air ducts shall be installed with a minimum clearance to an appliance as specified in the appliance manufacturer's installation instructions.

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603.9 Joints, seams, and connections. All longitudinal and transverse joints, seams and connections in metallic and nonmetallic ducts shall be constructed as specified in SMACNA HVAC Duct Construction Standards—Metal and Flexible and NAIMA Fibrous Glass Duct Construction Standards. All longitudinal and transverse joints, seams, and connections in ductwork located outside the building envelope, all return ducts located within 10 feet (3.05 m) of any appliance or all return ducts within a mechanical room and the plenum/coil cabinet connections shall be made substantially airtight and be securely fastened and sealed with welds gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes. Tapes and mastics used to seal ductwork listed and labeled in accordance with UL181A shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic, or "181 A-H" for heat-sensitive tape. Tapes and mastics used to seal flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure-sensitive tape or "181B-M" for mastic. Duct connections to flanges of air distribution system equipment shall be sealed and mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Unlisted duct tape is not permitted as a sealant on any metal ducts.

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606.4.1 Supervision. The duct smoke detectors shall be connected to a fire alarm system. The actuation of a duct smoke detector shall activate a visible and audible supervisory signal at a constantly attended location. Duct smoke detectors installed more than 10 feet above a finished floor, above a ceiling or on a rooftop shall be installed with remote test/indicators in an approved location below and in proximity to the unit served.

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Exceptions:

1. The supervisory signal at a constantly attended location is not required where the duct smoke detector activates the building's alarm-indicating appliances.
2. In occupancies not required to be equipped with a fire alarm system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location. Duct smoke detector trouble conditions shall activate a visible or audible signal in an approved location and shall be identified as air duct detector trouble.

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703.1.1 Number and location of openings. Two openings shall be provided, one within 1 foot (305 mm) of the ceiling of the room and one within 1 foot (305 mm) of the floor.

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Exception: When all air is taken from the outdoors for appliances and the total input of the appliances is less than 300,000 Btu/hr (1,704,000 W/ meters squared K), one outside air duct may be used and shall terminate below the draft hood. An exterior opening may be used in place of a duct provided that it is located at least one foot below the draft hood.

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703.1.5 Alternate combustion air sizing. As an alternate to the above-referenced combustion air openings, the net free area of openings, ducts, or plenums supplying air to an area containing fuel-burning appliances shall be as specified in Table 7-A.

Table No. 7-A

Combustion Air Requirements for Appliances Requiring an Outside Air Opening in Areas with 5,000 Degrees Fahrenheit (2,777 Degrees Celsius) or Greater Heating Degree Days

Total Input of Appliances¹ Thousand of Btu/h	Required Free Area of Air Supply Opening or Duct, Square Inches²
25 (26.4 KJ/h)	7 (4,516 mm ²)
50 (52.8 KJ/h)	7 (4,516 mm ²)
75 (79.1 KJ/h)	11 (7,097 mm ²)
100 (106 KJ/h)	14 (9,032 mm ²)
125 (132 KJ/h)	18 (11,610 mm ²)
150 (158 KJ/h)	22 (14,190 mm ²)
175 (185 KJ/h)	25 (16,130 mm ²)
200 (211 KJ/h)	29 (18,710 mm ²)
225 (237 KJ/h)	32 (20,650 mm ²)
250 (264 KJ/h)	36 (23,230 mm ²)
275 (290 KJ/h)	40 (25,810 mm ²)
300 (317 KJ/h)	43 (27,740 mm ²)

1. For total inputs that fall between the listing figures, use the next largest listed input.
2. These figures are based on the maximum equivalent duct length of 20 feet (6.1 m). For equivalent duct lengths in excess of 20 feet (6.1 m) to and including a maximum of 150 feet (45.7 m), increase the round duct diameter by one size. A square or rectangular duct may be considered only where the required duct size is 9 in² (5,800 mm²) or larger and the smaller dimension must be not less than 3 inches (76.2 mm).

802.3 Installation. Vent systems shall be sized, installed, and terminated in accordance with the vent and appliance manufacturer’s installation instructions. Type B vents shall not be installed with offsets in concealed spaces.

Section 11-33. Amendments, additions, and deletions to the International Fuel Gas Code.

The following sections of the 2006 International Fuel Gas Code shall be amended, added, or deleted as follows. All other sections or subsections of the 2006 International Fuel Gas Code as published shall remain the same.

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101.1 Title. These regulations shall be known as the *Fuel Gas Code* of the City of Sioux Falls, South Dakota, hereinafter referred to as “this code.”

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101.2 Scope. This code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems, and related accessories in accordance with Sections 101.2.1 through 101.2.5.

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Exceptions:

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1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

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2. Mechanical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code*.

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103.2 Appointment. ~~Delete.~~

Deleted: The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.4 Liability. The code official, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

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Any suit instituted against any officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city’s insurance pool, and immunities and defenses provided by other applicable state and federal laws. The code official or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Department of Inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

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106.1 When required. An owner, authorized agent, or contractor who desires to erect, install, enlarge, alter, repair, remove, convert, or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work. A permit is not required by a licensed mechanical contractor if an inspection as specified in Section 107 is requested and obtained for any mechanical work.

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Exception: Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of mechanical inspection.

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106.5.1 Work commencing before permit issuance. Any person who commences work on an installation before obtaining the necessary permits ~~may~~ be subject to ~~a \$250 administrative fee in~~ addition to the required permit fees.

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106.5.2 Fee schedule. The fees for work shall be as indicated in Table No. 1-A, Mechanical Permit Fees, in this code.

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except to the original permittee not later than 180 days after the date of fee payment. ~~The administrative authority may establish policies governing the procedure for fee refunds.~~

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107.1 Required inspections and testing. ~~It shall be the duty of the licensed mechanical contractor or his designated mechanic doing the work authorized by a permit to notify the mechanical inspector that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired.~~

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The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The holder of the permit shall be responsible for scheduling such inspections.

1. ~~Underground inspection shall be made after trenches or ditches are excavated and bedded, piping is installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks, and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.~~
2. ~~Rough-in inspection shall be made after the roof, framing, fireblocking, and bracing are in place and components to be concealed are complete, and prior to the installation of wall or ceiling membranes.~~
3. ~~Final inspection shall be made upon completion of the installation.~~

The requirements of this section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a structure in the event a request for inspection of such heating equipment has been filed with the department not more than 48 hours after replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the structure.

108.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter, or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an ordinance violation and punishable under Chapter 1 and/or 2 of the Revised Ordinances of Sioux Falls, SD.

108.5 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an ordinance violation and punishable by the general provisions of this code.

SECTION 109 (IFGC) MEANS OF APPEAL Delete.

109.1 Application for appeal. A person shall have the right to appeal a decision of the code official to the Mechanical Board of Appeals and Examiners. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the National Electrical Code, International Building Code, International Existing Building Code, International Fire Code, International Mechanical Code, or Uniform Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

Section 202—General Definitions. Add the following definition:

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STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

301.6 Plumbing connections. Potable water supply and building drainage system connections to appliances regulated by this code shall be in accordance with the Uniform Plumbing Code.

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304.6 Outdoor combustion air. Outdoor combustion air shall be provided through opening(s) to the outdoors in accordance with Section 304.6.1 or 304.6.2. The minimum dimension of air openings shall be not less than 3 inches (76 mm).

Exception: When all air is taken from the outdoors for appliances and the total input of the appliances is less than 300,000 Btu/hr (1,704,000 W/ meters squared K), one outside air duct may be used and shall terminate below the draft hood. An exterior opening may be used in place of a duct provided that it is located at least one foot below the draft hood.

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304.6.3 Alternate combustion air sizing (IFGC). As an alternate to the above-referenced combustion air openings, the net free area of openings, ducts, or plenums supplying air to an area containing gas-burning appliances shall be as specified in Table 7-B.

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Table No. 7-B—Combustion Air Requirements for Appliances Requiring an Outside Air Opening in Areas with 5,000 degrees Fahrenheit (2,777 degrees Celsius) or Greater Heating Degree Days

<u>Total Input of Appliances¹</u> <u>Thousand of Btu/h</u>	<u>Required Free Area of Air Supply</u> <u>Opening or Duct, Square Inches²</u>
<u>25 (26.4 KJ/h)</u>	<u>7 (4,516 mm²)</u>
<u>50 (52.8 KJ/h)</u>	<u>7 (4,516 mm²)</u>
<u>75 (79.1 KJ/h)</u>	<u>11 (7,097 mm²)</u>
<u>100 (106 KJ/h)</u>	<u>14 (9,032 mm²)</u>
<u>125 (132 KJ/h)</u>	<u>18 (11,610 mm²)</u>
<u>150 (158 KJ/h)</u>	<u>22 (14,190 mm²)</u>
<u>175 (185 KJ/h)</u>	<u>25 (16,130 mm²)</u>
<u>200 (211 KJ/h)</u>	<u>29 (18,710 mm²)</u>
<u>225 (237 KJ/h)</u>	<u>32 (20,650 mm²)</u>
<u>250 (264 KJ/h)</u>	<u>36 (23,230 mm²)</u>
<u>275 (290 KJ/h)</u>	<u>40 (25,810 mm²)</u>
<u>300 (317 KJ/h)</u>	<u>43 (27,740 mm²)</u>

1. For total inputs that fall between the listing figures, use the next largest listed input.
2. These figures are based on the maximum equivalent duct length of 20 feet (6.1 m). For equivalent duct lengths in excess of 20 feet (6.1 m) to and including a

maximum of 150 feet (45.7 m), increase the round duct diameter by one size. A square or rectangular duct may be considered only where the required duct size is 9 inches² (5,800 mm²) or larger and the smaller dimension must be not less than 3 inches (76.2 mm).

[M] 306.3.1 Electrical requirements. A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the equipment location in accordance with the *Electrical Code*.

[M] 306.4.1 Electrical requirements. A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the equipment location in accordance with the *Electrical Code*.

[M] 306.5 Appliances on roofs or elevated structures. Where appliances requiring access are installed on roofs or elevated structures at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be from floor level to the appliance's level service space. Exterior access may be by means of a ladder which need not extend closer than 8 feet (2440 mm) to finished grade. Such access shall not require climbing over obstructions greater than 30 inches high (762 mm) or walking on roofs having a slope greater than four units vertical in 12 units horizontal (33 percent slope).

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
2. Ladders shall have a rung spacing not to exceed 14 inches (356 mm) on center.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum diameter of 0.75-inch (19 mm) and shall be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding a load of 100 pounds per square foot (488.2 kg/m²).
7. Ladders shall be protected against corrosion by approved means.

Catwalks installed to provide the required access shall be not less than 24 inches wide (610 mm) and shall have railings as required for service platforms.

Exception: This section shall not apply to Group R-3 occupancies.

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[M] 306.5.2 Electrical requirements. A receptacle outlet shall be provided at or near the equipment location in accordance with the *Electrical Code*.

503.5 Installation. Vent systems shall be sized, installed, and terminated in accordance with the vent and appliance manufacturer's installation instructions and Section 503. **Type B vents shall not be installed with offsets in concealed spaces.**

503.4.1 Plastic piping. Plastic piping used for venting appliances listed for use with such venting materials shall be approved. Plastic pipe and fittings used to vent appliances shall be installed in accordance with the pipe manufacturer's installation instructions and the appliance manufacturer's installation instructions. Solvent cement joints between ABS pipe and fittings shall be cleaned. Solvent cement joints between CPVC and PVC pipe and fittings shall be primed. The primer shall be a contrasting color.

Exception: Where compliance with this section would conflict with the appliance manufacturer's installation instructions.

Section 11-2. Amendments, additions and deletions to Part V—Mechanical-International Residential Code.

The following sections of Part V—Mechanical of the 2006 International Residential Code shall be amended, added, or deleted as follows. All other sections or subsections of Part V—Mechanical of the 2006 International Residential Code as published shall remain the same.

M1308.3 Foundations and supports. Foundations and supports for outdoor mechanical systems shall be raised at least 1 1/2 inches (38 mm) above the finished grade, and shall also conform to the manufacturer's installation instructions.

M1403.1 Heat pumps and/or air conditioners. The minimum unobstructed total area of the outside and return air ducts or openings to a heat pump and/or air conditioners shall be not less than 6 square inches per 1,000 Btu/h (13,208 mm²/kW) output rating or as indicated by the conditions of the listing of the heat pump. Electric heat pumps shall conform to UL 1995.

**SECTION M1508
SUBSLAB SOIL EXHAUST SYSTEMS**

M1508.1 General. When a subslab soil exhaust system is provided, the duct shall conform to the requirements of this section.

M1508.2 Materials. Subslab soil exhaust system duct material shall be air duct material listed and labeled to the requirements of UL 181 for Class 0 air ducts, or any of the following piping materials that comply with the *International Plumbing Code* as building sanitary drainage and vent pipe: cast iron; galvanized steel; brass or copper pipe; copper tube of a weight not less than that of copper drainage tube, Type DWV; and plastic piping.

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M1508.3 Grade. Exhaust system ducts shall not be trapped and shall have a minimum slope of 1/8 unit vertical in 12 units horizontal (1 percent slope).

M1508.4 Termination. Subslab soil exhaust system ducts shall extend through the roof and terminate at least 6 inches (152 mm) above the roof and at least 10 feet (3048 mm) from any operable openings or air intake.

M1601.2 Factory-made ducts. Factory-made air ducts or duct material shall be approved for the use intended, and shall be installed in accordance with the manufacturer's installation instructions. Each portion of a factory-made air duct system shall bear a listing and label indicating compliance with UL 181 and UL 181A or UL 181B.

Flexible air ducts shall be limited in length to 14 feet. Flexible air connectors are not allowed.

M1601.3.1 Joints and seams. Joints of duct systems outside of the building envelope and all return ducts located within 10 feet (3.05 m) of any appliance or all return ducts within a mechanical room and the plenum/coil cabinet connections shall be made substantially airtight by means of tapes, mastics, gasketing, or other approved closure systems. Closure systems used with rigid fibrous glass ducts shall comply with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic, or "181 A-H" for heat-sensitive tape. Closure systems used with flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure-sensitive tape or "181B-M" formastic. Duct connections to flanges of air distribution system equipment or sheet metal fittings shall be mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Crimp joints for round metal ducts shall have a contact lap of at least 1 1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet-metal screws or rivets equally spaced around the joint.

M1601.3.2 Support. Metal ducts shall be supported by 1/2-inch (13 mm) wide 18-gage, 1-inch (26 mm) wide 24 gage or 1 1/2-inch (38 mm) wide 26 gage metal straps or 12-gage galvanized wire at intervals not exceeding 10 feet (3048 mm) or other approved means. Nonmetallic ducts shall be supported in accordance with the manufacturer's installation instructions.

M1701.6 Opening location. In areas prone to flooding as established by Table R301.2(1), openings shall be located at or above the design flood elevation established in Section R323.1.5.

Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 12 inches (305 mm) vertically from the adjoining grade level.

Combustion air intake opening shall be located a minimum of 3 feet from a gas meter.

M1703.2.1.1 Alternate combustion air sizing. As an alternate to the above-referenced combustion air openings, the net free area of openings, ducts, or plenums supplying air to an area containing fuel-burning appliances shall be as specified below.

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Combustion Air Requirements for Appliances Requiring an Outside Air Opening in Areas with 5,000 degrees Fahrenheit (2,777 degrees Celsius) or Greater Heating Degree Days

Total Input of Appliances ¹ Thousand of Btu/h	Required Free Area of Air Supply Opening or Duct, Square Inches ²
25 (26.4 KJ/h)	7 (4,516 mm ²)
50 (52.8 KJ/h)	7 (4,516 mm ²)
75 (79.1 KJ/h)	11 (7,097 mm ²)
100 (106 KJ/h)	14 (9,032 mm ²)
125 (132 KJ/h)	18 (11,610 mm ²)
150 (158 KJ/h)	22 (14,190 mm ²)

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- For total inputs that fall between the listing figures, use the next largest listed input.
- These figures are based on the maximum equivalent duct length of 20 feet (6.1 m). For equivalent duct lengths in excess of 20 feet (6.1 m) to and including a maximum of 150 feet (45.7 m), increase round duct diameter by one size. A square or rectangular duct may be used only where the required duct size is 9 square inches (5,800 mm²) or larger and the smaller dimension must be not less than 3 inches (76.2 mm).

G2427.4.1 Plastic piping. Plastic piping used for venting appliances listed for use with such venting materials shall be approved.

Plastic pipe and fittings used to vent appliances shall be installed in accordance with the pipe manufacturer's installation instructions and the appliance manufacturer's installation instructions. Solvent cement joints between ABS pipe and fittings shall be cleaned. Solvent cement joints between CPVC and PVC pipe and fittings shall be primed. The primer shall be a contrasting color.

Exception: Where compliance with this section would conflict with the appliance manufacturer's installation instructions,

175 (185 KJ/h)
200 (211 KJ/h)
225 (237 KJ/h)
250 (264 KJ/h)
275 (290 KJ/h)
300 (317 KJ/h)

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Amendments, additions and deletions to certain licensure provisions of the Mechanical Ordinance.

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That Section 11-36 of the Revised Ordinances of Sioux Falls, SD, is hereby repealed.

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Sec. 11-36. Repeal.

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That Section 11-37(f) of Article III of Chapter 11 of the Revised Ordinances of Sioux Falls, South Dakota is hereby amended to read as follows:

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(f) Denial and appeal. The code official shall notify in writing any applicant whose application for testing has been refused. The notice shall clearly state the reason for refusal and a statement of the applicant's right to appeal. An applicant whose application for testing is refused may appeal the decision to the mechanical board of appeals. The decision of the board or the hearing examiner is subject to judicial review as provided by law.

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All persons who can furnish evidence satisfactory to the mechanical board of appeals and examiners that he is qualified by training or experience or who holds a contractor's excise tax license for the installation of fireplace systems or equipment for more than 90 days prior to the adoption of this ordinance shall be qualified for a license upon written application, payment of the license fee, and the fulfillment of all other requirements herein.

That Section 11-50 of Article III of Chapter 11 of the Revised Ordinances of Sioux Falls, South Dakota is hereby amended to read as follows:

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The decision of the board or the hearing examiner is subject to judicial review, as provided by law.

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A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

Membership of board. The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years; one for four years; one for three years; one for two years; and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years' experience, five of which shall

Alternate members. The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

Chairman. The board shall annually select one of its members to serve as chairman.

Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

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Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings

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Compensation of members. Compensation of members shall be determined by law.

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Notice of meeting. The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

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Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

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Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

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Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

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Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of three members.

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Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

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Administration. The code official shall take immediate action in accordance with the decision of the board.

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Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

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303.3 Prohibited locations. Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.

3. Toilet rooms.
4. Storage closets.
5. Surgical rooms.

Exception: This section shall not apply to the following appliances:

1. Direct-vent appliances that obtain all combustion air directly from the outdoors.
2. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with Section 703. Access to such enclosure shall be through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an approved self-closing device.

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Type I hood systems shall be designed and installed to automatically activate the exhaust fan whenever cooking operations occur. The activation of the exhaust fan shall occur through an interlock with the cooking appliances, by means of heat sensors or by means of other approved methods.		
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and the air in the conditioned space

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Flexible air connectors, both metallic and nonmetallic, shall be tested in accordance with UL 181. Such connectors shall be listed and labeled as Class 0 or Class 1 flexible air connectors and shall be installed in accordance with Section 304.1.

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Flexible air connectors shall be limited in length to 14 feet (4267 mm).

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Flexible air connectors shall not pass through any wall, floor or ceiling.

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a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OFDAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.		
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